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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,915	04/15/2004	Stephen Selle	8206	7341

7590 07/11/2005  
(WOODLING, KROST AND RUST) KENNETH L. MITCHELL  
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EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/824,915	SELLE, STEPHEN	
	Examiner	Art Unit	
	Jeffrey Sharp	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

- [1] Claims 1-11 are pending.

### *Claim Rejections - 35 USC § 103*

- [2] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- [3] Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art (Figures 1-2A) in view of any one of US-6,095,738 to Selle, US-2003/0049097 to Selle (now US patent 6,640,968), or US-6,209,722 to Liestner.

Applicant discloses a prior art fastener and channel in figures 1-2A. In these figures, Applicant suggests that each and every limitation found in claims 1-11 is already known, **with the exception** of raised flanges (305A, 305B). These flanges are designed to prevent jamming (i.e., "shingling") within a curvilinear track (e.g., "feed" track, magazine, "delivery" track). They prevent

Selle '738 suggests that it would have been obvious at the time the invention was made, to employ opposing flanges (28,30,32,34,36) to a prior art nut, in order to prevent shingling or

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jamming within a channel, track, delivery mechanism, or the like. See column 3, lines 38-41 and lines 55-59.

Selle '097 suggests that it would have been obvious at the time the invention was made, to employ opposing flanges (301,302) to a prior art fastener, in order to prevent shingling or jamming within a channel, track, delivery mechanism, or the like. See page 1 middle of [0003] - middle of [0004]; paragraphs [0005] - [0009]; paragraph [0032] lines 8-10 and last 11 lines; and paragraph [0034].

Liestner '722 suggests that it would have been obvious at the time the invention was made, to employ opposing flanges (16) to a prior art nut, in order to prevent shingling or jamming within a channel, track, delivery mechanism, or the like. In addition to function of fastening and holding, these flanges (16) act as "bumpers" so to speak, and enable the nuts to be closely arranged within a channel or delivery track (20) without cocking, tilting, "shingling", or jamming<sup>1</sup>. On lines 35-39 of column 4, Liestner makes known that the scope of placing flanged nuts within a channel for facilitation dispersal is not limited to only those fasteners illustrated, but rather embodies any fastener (e.g., prior art fastener disclosed by Applicant in figures 1-2A).

Accordingly, in view of the teachings of the abovementioned references, it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the prior art fasteners disclosed by Applicant in figures 1-2A, by employing a pair of opposed raised flanges (i.e., substantially "U-shaped" in cross-section), in order to prevent jamming or cocking of said fasteners within a channel when they are collated in series with each other.

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<sup>1</sup> This is evidenced by US-6,095,738 to Selle (Figures 11 and 12), which clearly shows that the flanges used for preventing "shingling" and jamming, have an inherent secondary use as a means for fixing the fastener to a substrate.

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Additionally, it would have been obvious to one having an ordinary skill in the art, to provide a raised crown, in order to increase the length of engagement between the threaded stud and nut. This is commonly seen in metal nuts manufactured from sheet metal stamping processes. Moreover, creating such a boss would work harden the material around the threads so as to create a stronger nut. Note that what Applicant calls "a raised crown having interior threads thereon" may be broadly construed as the threaded barrel/sleeve portions taught by the aforecited references.

### *Conclusion*

[4] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

US 0244379 A	USPAT	Coulter et al.
US 0397988 A	USPAT	Kimball
US 0797545 A	USPAT	Ette
US 0812294 A	USPAT	Reed
US 1773146 A	USPAT	KELLOGG HARRY F
US 1919728 A	USPAT	KELLOGG HARRY F
US 20030116458 A1	US-PGPUB	Donner, Hans-Christian
US 20040234356 A1	US-PGPUB	Parker, John M. et al.
US 20050013679 A1	US-PGPUB	Ladoucer, Harold A. et al.
US 2049104 A	USPAT	CHARLTON JOHN M
US 2314756 A	USPAT	BEDFORD JR WILLIAM A
US 2343947 A	USPAT	HENRY AUSLANDER
US 2383141 A	USPAT	MAAGE JR ALFRED E
US 2968206 A	USPAT	BUNNOSUKE OMOTO
US 3050097 A	USPAT	COCHRAN CLARENCE W
US 3319509 A	USPAT	COSTANTINO ROMEO
US 3505636 A	USPAT	MCDOWELL CLELL D
US 3646982 A	USPAT	Cushman; Kenneth V.
US 3704507 A	USPAT	Grube; William L.
US 3809139 A	USPAT	Strain; William E.
US 3845860 A	USPAT	Ladouceur; Harold A. et al.
US 3878599 A	USPAT	Ladouceur; Harold A. et al.

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US 3920059 A	USPAT	Grube; William L.
US 3926236 A	USPAT	Pouch; Thomas M. et al.
US 3962828 A	USPAT	McAllister; Owen Earl
US 3967412 A	USPAT	Governale; Bernard C.
US 4074464 A	USPAT	McCay; Dariel
US 4279341 A	USPAT	Pleickhardt; George C.
US 4306654 A	USPAT	Grube; William L.
US 4352258 A	USPAT	Bursk; William M. et al.
US 4376334 A	USPAT	Miller; Richard G.
US 4377360 A	USPAT	Kennedy; Edward S.
US 4379537 A	USPAT	Perrault; Frederick et al.
US 4387535 A	USPAT	Corbo; Thomas A.
US 4447987 A	USPAT	Lesosky; Thomas
US 4476653 A	USPAT	Speer; Wayne et al.
US 4768907 A	USPAT	Gauron; Richard F.
US 4790701 A	USPAT	Baubles; Richard C.
US 4903831 A	USPAT	Francis; Terry E.
US 4945680 A	USPAT	Giguere; Jean P.
US 4961553 A	USPAT	Todd; George R.
US 4971499 A	USPAT	Ladouceur; Harold A.
US 5078537 A	USPAT	Nomura; Ryoichi
US 5096350 A	USPAT	Peterson; Francis C.
US 5136814 A	USPAT	Headrick; J. Charles
US 5179804 A	USPAT	Young; Robert H.
US 5214843 A	USPAT	Bromley; Keith G. et al.
US 5273351 A	USPAT	Rubel; Edward R.
US 5299686 A	USPAT	Bromley; Keith G. et al.
US 5314427 A	USPAT	Goble; E. Marlowe et al.
US 5327645 A	USPAT	Bromley; Keith G. et al.
US 5426894 A	USPAT	Headrick; J. Charles
US 5489173 A	USPAT	Hofle; Siegfried
US 5517788 A	USPAT	McGough; Harold R. et al.
US 5524391 A	USPAT	Joffe; Sol G. et al.
US 5588266 A	USPAT	Headrick; J. Charles
US 5611173 A	USPAT	Headrick; J. Charles et al.
US 5624217 A	USPAT	Hungerford, Jr.; Charles S.
US 5638641 A	USPAT	Joffe; Sol G. et al.
US 5762190 A	USPAT	Leistner; Martin
US 5893538 A	USPAT	Onishi; Yoshio et al.
US 5918738 A	USPAT	Leistner; Martin
US 5993320 A	USPAT	Selle; Stephen R.
US 6185870 B1	USPAT	Mettler; Charles
US 6203231 B1	USPAT	Salice; Luciano
US 6272814 B1	USPAT	Ikuta; Kazuichi et al.

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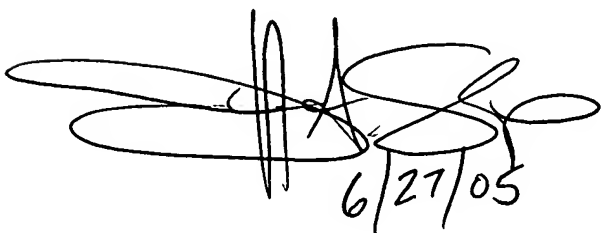
US 6305888 B1	USPAT	Leistner; Herbert E.
US 6345477 B1	USPAT	Kepler; Steven P. et al.
US 6640968 B2	USPAT	Selle; Stephen

[5] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

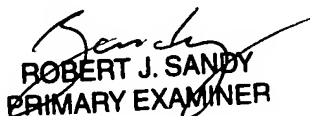
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



6/27/05



ROBERT J. SANDY  
PRIMARY EXAMINER